

# ROBERT GUILD

Attorney at Law

314 Pall Mall • Columbia, South Carolina 29201 • 803-252-1419

July 28, 2008

Mr. Charles Terreni  
Chief Clerk  
Public Service Commission of South Carolina  
Synergy business Park, Saluda Building  
101 Executive Center Drive  
Columbia, SC 29210

SO. PUBLIC SERVICE  
COMMISSION

2008 JUL 28 PM 3:38

RECEIVED

Re: Petition for an Order Permitting Commencement of Construction Activities,  
South Carolina Electric & Gas Company- Combined Application For Certificate of  
Environmental Compatibility and Public Convenience and Necessity and For a Base  
Load Review Order, Docket No. 2008-196-E

Dear Mr. Terreni:

I have been asked to submit additional comments on behalf of Friends of the Earth (FOE) regarding SCE&G's Petition for an Order Permitting Commencement of Construction Activities in connection with the above-referenced proceeding. These comments supplement those previously submitted by Mr. Tom Clements, Southeastern Nuclear Campaign Coordinator for FOE. FOE is a non-profit environmental advocacy organization with members who are ratepayers of SCE&G and neighbors of the site of the proposed nuclear facility which is the subject of this proceeding. Our members use and enjoy natural resources in the vicinity of the proposed facility including the waters of the Broad River and its tributaries. We are informed and believe that our members' interests will be harmed by pollution to be discharged to the environment, including the waters of the Broad River, from the activities proposed by SCE&G including the land disturbance and stormwater discharge from the clearing and grading of the site for the proposed V. C. Summer Nuclear Station Units 2 & 3, as proposed in the subject Petition for an Order Permitting Commencement of Construction Activities. Such harm is in addition to the economic injury to our members as ratepayers which will result from the approval of SCE&G's request for interim relief.

While FOE intends to formally intervene in this proceeding by the established August 20, 2008, deadline, as previously stated by Mr. Clements; by these comments I wish to reiterate FOE's objections to granting SCE&G's request for summary relief, absent full notice to the affected public and an opportunity to confront SCE&G's claims, through discovery and an adjudicatory hearing. In short, FOE respectfully requests that SCE&G's Petition for an Order Permitting Commencement of Construction Activities be denied, or, in the alternative, be deferred until decision on the merits of the full proceeding as previously scheduled by the Commission.

July 28, 2008  
Mr. Charles Terreni  
Page 2.

SCE&G has stated that the Petition is for "interim construction" ("initial clearing, excavation and construction work"), yet the Company has made no attempt whatsoever to define in the Petition what this activity comprises. Lacking any definition of "interim construction," it is incumbent upon SCE&G to demonstrate and upon the Commission to determine what comprises such construction; this is best done during full consideration of the Combined Application.:

SCE&G's "Replacement of the VCSNS Unit 1 Transformer" is irrelevant to the Petition to start construction of proposed Units 2 and 3- two AP1000 reactors for which design is not final. SCE&G has been clear that this is an "additional reason" to approve the "interim construction" Petition. The matter of replacement of the transformer and the schedule related to this activity has no bearing on the pending proceeding and is further reason to deny the Petition, with a declaration that the transformer issue be raised in a separate docket.

The fundamental requirements of administrative due process include notice, an opportunity to be heard in a meaningful way, and judicial review. S.C. Const., Art. 1, Section 22. In cases reaching back to Stono River EPA v. S.C.D.H.E.C., 406 S.E.2d 340, 305 S.C. 90 (1991), our Supreme Court has interpreted such rights of administrative due process to encompass the "right to present evidence and cross examine witnesses regarding the merits of the case," even in cases, as here, where an adjudicatory hearing was not expressly provided for by statute or regulation. FOE submits that sound judgement on grave matters of public interest as well as the commands of Due Process require that SCE&G's Petition be denied or deferred for consideration only after full adjudication.

With kind regards I am

Sincerely,



Robert Guild